

**REMARKS****Summary of the Final Office Action**

Claims 1-6, 8 and 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada (U.S. Publication No. 2001/0028785) (hereinafter "Okada") in view of Aratani (U.S. Patent No. 7,137,136) (hereinafter "Aratani").

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Aratani and further in view of Nozaki et al. (U.S. Patent No. 6,243,353) (hereinafter "Nozaki").

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Aratani and further in view of Rodriguez (US Publication No. 2003/0002862) (hereinafter "Rodriguez").

**Summary of the Response to the Office Action**

Applicants have amended each of independent claims 1 and 14 to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-14 currently remain pending for consideration.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-6, 8 and 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Aratani. Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Aratani and further in view of Nozaki. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Aratani and

further in view of Rodriguez. Applicants have amended each of independent claims 1 and 14 to differently describe embodiments of the disclosure of the instant application. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Independent claim 1 of the instant application is directed to an advantageous combination of features of a “video recording apparatus” including a characterizing feature of two kinds of storage devices, namely 1) a secondary storage device of a removable type and 2) a primary storage device. Applicants respectfully submit that programs to be stored in the removable type secondary storage device are different from those to be stored in the primary storage device in terms of priorities.

Applicants respectfully submit that the combination of features of independent claim 1 of the instant application advantageously provides a three-stage recording of programs which meet a user’s preference. The three stages will now be discussed in detail. In the first stage (1), broadcasting programs having higher priorities are stored as archived recording programs in a secondary storage device. In the second stage (2), several broadcasting programs according to priorities are stored as regular recording programs in a primary storage device. In a third stage (3), broadcasting programs having higher priorities are stored as archived recording programs in a secondary storage device after an exchange of recording medium set to a secondary storage device. Applicants note further that in the combination described in newly-amended independent claim 1 of the instant application, for example, the secondary storage device is of a removable type. Applicants respectfully submit that at least this advantageous feature of

independent claim 1 of the instant application is not disclosed, or even suggested, in the applied Okada and Aratani references, whether taken separately or in combination.

Even further, Applicants respectfully submit that in accordance with the invention described in the combination of features of independent claim 1 of the instant application, remarkably advantageous effects, such as the three-stage watching of programs which meet the user's preference, are produced. With regard to these remarkably advantageous effects produced by the invention of independent claim 1 of the instant application, Applicants refer to page 26, lines 2-27 of the specification of the instant application which states, "[i]n the video recording apparatus according to the present invention, ..., or the designated recording programs."

In particular, Applicants refer to page 26, lines 13-27 of the specification of the instant application which states, "[t]herefore, the user can watch, in three stages, the program which was broadcast in the past but meets the user's preference. That is, the broadcasting program, which is recently broadcast, can be watched among the regular recording programs which are stored in the primary storage device 5. Particularly, the past broadcasting program that meets the user's preference but is not sufficiently old can be watched out of the archived recording programs which are stored in the recording medium set to the secondary storage device 9, or the designated recording programs. Furthermore, the program that met the user's preference in the past can be watched out of the archived recording programs stored in the recording medium by the exchange of the recording medium, or the designated recording programs."

Applicants respectfully submit that, as is evident from at least the above-cited portion of the instant application's specification, according to the invention described in independent claim 1, three-stage watching of programs which meet the user's preference is possible. In particular,

(1) the first stage: watching a program stored in a primary storage device, (2) the second stage: watching a program stored in a secondary storage device of removable type, and (3) the third stage: watching a program after an exchange of recording medium set to a second storage device.

In particular, Applicants respectfully submit that, as is evident from the currently-implemented amendment to independent claim 1 of the instant application, a secondary storage device is of a removable type, so a program after an exchange of a recording medium set to a second storage device can be watched as the third stage.

Accordingly, as previously discussed, Applicants respectfully submit that at least this advantageous characterizing feature of independent claim 1 of the instant application is not disclosed, nor even suggested, in the applied Okada and Aratani references, whether taken separately or in combination. Even further, Applicants respectfully submit that in accordance with the invention described in the combination of features of independent claim 1 of the instant application, remarkably advantageous effects, such as the three-stage watching of programs which meet the user's preference, are produced which are not attained by the applied Okada and Aratani references, whether taken separately or in combination. For at least the foregoing reasons, Applicants respectfully submit that independent claim 1 of the instant application is not rendered obvious over the applied Okada and Aratani references, whether taken separately or in combination.

Also, independent claim 14 has been newly-amended to include similar features as discussed above with regard to newly-amended independent claim 1 of the instant application. Accordingly, similar arguments, as set forth above with regard to newly-amended independent

claim 1 of the instant application, also apply to newly-amended independent claim 14 of the instant application.

Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Okada and Aratani, whether taken separately or combined, do not teach or suggest each feature of independent claims 1 or 14 of the instant application. As pointed out in MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).”

With regard to the rejections of the dependent claims 2-13, Applicants respectfully submit that these dependent claims are allowable at least because of their dependence from their respective base claim 1, as discussed above. Also, Applicants respectfully submit that the additionally applied references to Nozaki and Rodriguez do not cure the deficiencies of Okada and Aratani, as discussed above.

### **CONCLUSION**

In view of the foregoing discussion, Applicants respectfully request the entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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